

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 107

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO EXECUTION; AMENDING SECTION 19-2716, IDAHO CODE, TO
REVISE PROVISIONS RELATING TO THE INFLICTION OF THE DEATH PENALTY
AND TO CORRECT A CODIFIER'S ERROR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-2716, Idaho Code, be, and the same is hereby amended to
read as follows:

19-2716. INFLICTION OF DEATH PENALTY. The punishment of death shall be
inflicted by continuous, intravenous administration of a lethal quantity of ~~an ultra short acting~~
~~barbituate in combination with a chemical paralytic agent~~ a substance or substances approved
by the director of the Idaho department of correction until death is pronounced by a physician
~~licensed under the provisions of chapter 18, title 54, Idaho Code, in accordance with accepted~~
~~medical standards~~ a coroner or a deputy coroner. The director of the Idaho department of
corrections shall determine ~~the substance or substances to be used and~~ the procedures to
be used in any execution; ~~provided, however, that, in any case where the director finds it~~
~~to be impractical to carry out the punishment of death by administration of the required~~
~~lethal substance or substances for the reason that it is not reasonably possible to obtain~~
~~expert technical assistance, should such be necessary to assure that infliction of death by~~
~~administration of such substance or substances can be carried out in a manner which causes~~
~~death without unnecessary suffering, the sentence of death may be carried out by firing squad,~~
~~the number of members of which shall be determined by the director; and provided further, that~~
~~any infliction of the punishment of death by administration of the required lethal substance or~~
~~substances in the manner required by this section shall not be construed to be the practice of~~
~~medicine and any pharmacist or pharmaceutical supplier is authorized to dispense drugs to the~~
~~director or his designee, without prescription, for carrying out the provisions of this section,~~
~~notwithstanding any other provision of law.~~ This act shall apply to all executions carried out
on and after the effective date of this enactment, irrespective of the date sentence was imposed.